

**Commonwealth of Massachusetts
Office of Medicaid**

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

The Division of Medical Assistance (the Division) proposes to amend its regulations under the authority of M.G.L. c. 118E, ss. 7 and 12 and pursuant to M.G.L. c. 30A. The Division describes the substance of the proposed actions as amendments to regulations found at

130 CMR 414.000: Independent Nurse, and
130 CMR 438.000: Continuous Skilled Nursing Agency.

The proposed amendments to the Independent Nurse regulations will allow a member's spouse, parent, or legally responsible individual who is a nurse and otherwise eligible to enroll as a MassHealth Independent Nurse to provide CSN care to the member. The proposed amendments to the Continuous Skilled Nursing Agency (CSN Agency) regulation will allow a MassHealth enrolled CSN agency to bill MassHealth for services provided by a nurse who is employed by the CSN agency even if that nurse is the member's spouse, parent, or legally responsible individual and is providing CSN services to that member. The proposed amendments do not change the professional or educational qualifications necessary to enroll as a MassHealth Independent Nurse or to provide nursing services as an employee of a CSN agency. Furthermore, the proposed amendments do not require CSN agencies to hire a member's spouse, parent, or legally responsible individuals or to assign them to care for the member for whom they are legally responsible.

It is anticipated that these amendments will not go into effect before September 2, 2022. There is no fiscal impact on cities and towns.

All persons desiring to submit data, views, or arguments concerning these proposed actions may email them to masshealthpublicnotice@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email should mail comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Comments will be accepted through 5:00 p.m. on July 1, 2022. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

All persons desiring to review the current draft of the proposed actions may go to www.mass.gov/service-details/masshealth-public-notices or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

The Division may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

June 10, 2022